

STANDARD APPLICATION
**Harford County
Board of Appeals**
Bel Air, Maryland 21014

RECEIVED

APR 14 2005

HARFORD COUNTY COUNCIL

Case No. 5491
Date Filed 04/14/05
Hearing Date _____
Receipt _____
Fee 650

Shaded Areas for Office Use Only

Type of Application

- _____ Administrative Decision/Interpretation
☒ ☒ Special Exception
_____ Use Variance
_____ Change/Extension of Non-Conforming Use
_____ Minor Area Variance
☒ ☒ Area Variance
_____ Variance from Requirements of the Code
_____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5491 MAP 65 TYPE Special Exception & Variance
ELECTION DISTRICT 01 LOCATION 628 Magnolia Road, Joppa
BY Chosen Sons Motorcycle Club of Baltimore, 3600 Dillon St., Baltimore 21224
Appealed because a special exception pursuant to Sec. 267-53C (2) of the Harford
County Code to permit a fraternal organization and a variance pursuant to Sec. 267-
53C (2) (a) to allow a front yard depth less than 100' (85' proposed) in the R1 District
requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Chosen Sons Motorcycle Club of Phone Number 410-879-4495
Baltimore, Inc.
Address 3600 Dillon Street, Baltimore, Maryland 21224-5243
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative Timothy R. Streett Phone Number 410-838-0767
Address 21 S. Main Street, Bel Air, Maryland 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 628 Magnolia Road, Joppa, Maryland 21085

Magnolia and Hanson

Subdivision None

Lot Number None

Acreage/Lot Size 2.55 ac

Election District 1st

Zoning R1

Tax Map No. 65

Grid No. 3D

Parcel 325

Water/Sewer: Private _____ Public x

List ALL structures on property and current use: House - currently unoccupied Garage- unoccupied

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No no

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes xx No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No xx

Request

Chosen Sons MC wish to use the house structure for club meetings
which are held 1 x weekly for approximately 2 hours. Property would
occasionally be used for special meetings.

Need Special Exception for Use of Fraternal Organization in R-1
Need Variance because of (2) front yards created by County Installing
Roadways.

Justification

The Special Exception Requested is a permissible use. The property
is unique by virtue of its topographical configuration caused by
Harford County Installing Road Grades and Sewer lines as well as the
substantial drop off to a creek that is being revised by the County/State/
Requested use will have no negative impact on adjacent property and

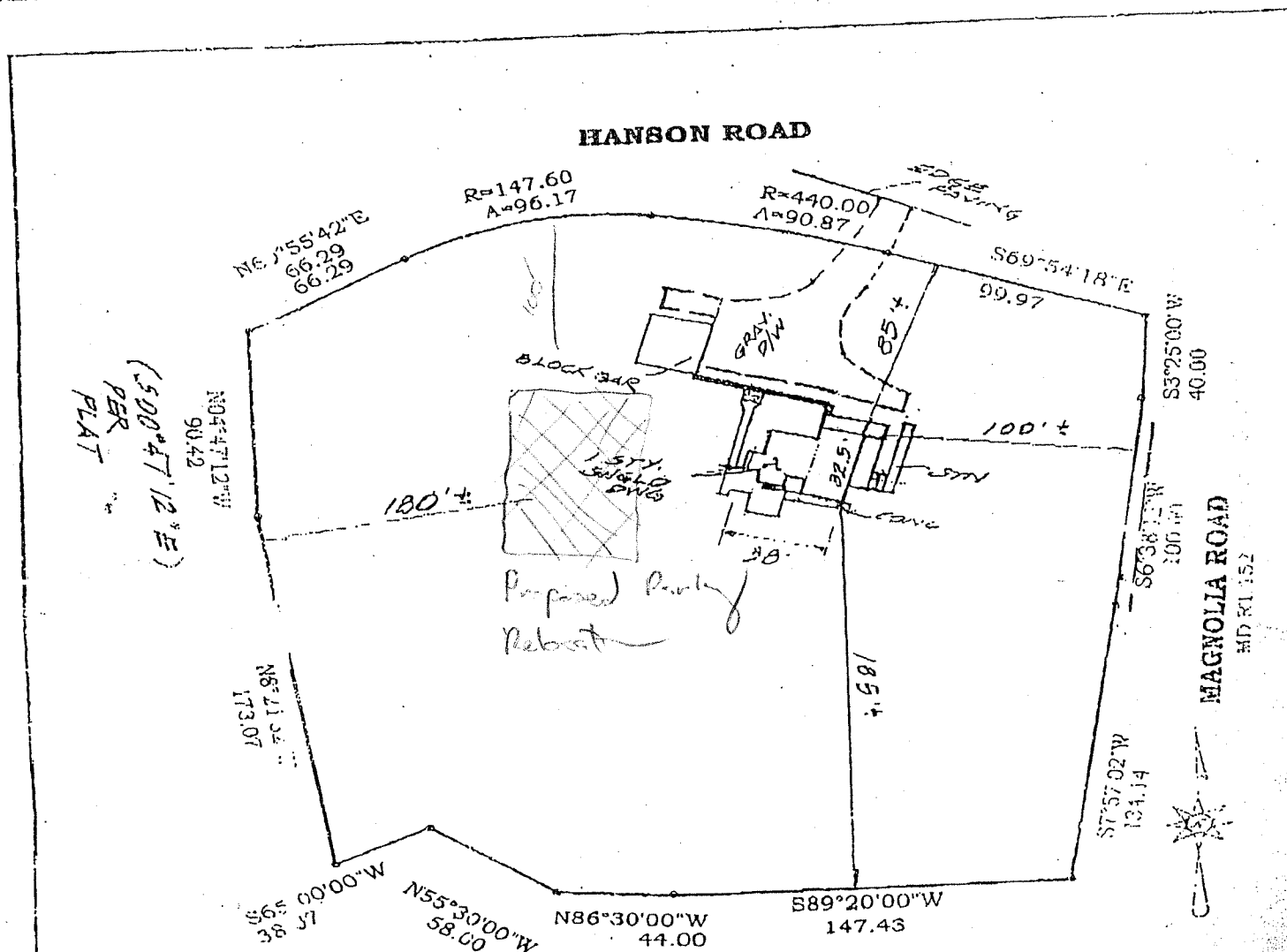
will result in improvement of existing structure which was in poor condition

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

FROM: J S DALLAS INC

FAX NO. :

Aug. 28 2002 12:16PM



DESCRIPTION HEREON
SUPPLIED BY RESIDENTIAL
TITLE CO.

- 1.) The plat is of benefit to a consumer only insofar as it is required lender or a title insurance company or its agent in connection with contemplated transfer financing or re-financing.
- 2.) The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 3.) The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
- 4.) I have examined Flood Insurance Rate Map Panel Number 240010 0142 A for the subject property and it appears to lie within zone "C" per said map.
- 5.) Dimensions shown to apparent lot line are \pm 10'.
- 6.) Date of field work: 8-28-02.

(SEE K.L.S.
"SURVEY PLAT"
DATED 8-28-02)

HARFCO, MD

LOCATION DRAWING

#628 MAGNOLIA ROAD

J.S. DALLAS, INC.

Surveying & Engineering

13523 Long Green Pike

Baldwin, MD. 21013

(410) 817-4600

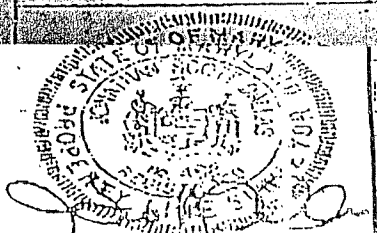
Date: 8-28-02

Scale: 1"=60'

Job Number: HP-4650

Drawn By: JSD

Checked By: JSD



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



LORRAINE COSTELLO
ACTING DIRECTOR OF ADMINISTRATION

ANTHONY S. McCLUNE
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 5, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5491

APPLICANT/OWNER: Chosen Sons Motorcycle Club of Baltimore, Inc.
3600 Dillon Street, Baltimore, Maryland 21224-5243

REPRESENTATIVE: Timothy R. Streett
21 South Main Street, Bel Air, Maryland 21014

LOCATION: 628 Magnolia Road, Joppa, Maryland 21085
Tax Map: 65 / Grid: 3D / Parcel: 325
Election District: First (1)

ACREAGE: 2.55 acres

ZONING: R1/Urban Residential District

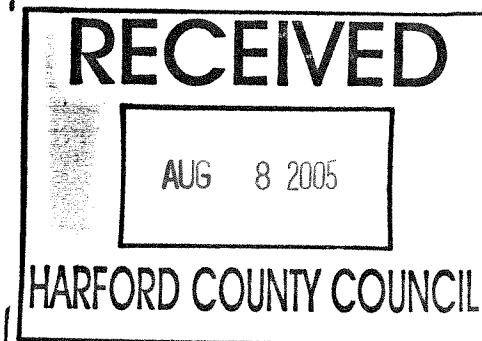
DATE FILED: April 14, 2005

HEARING DATE: August 17, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Chosen Sons Motorcycle Club wish to use the house structure for club meetings which are held 1-time weekly for approximately 2-hours. Property would occasionally be used for special meetings. Need Special Exception for Use of Fraternal Organization in R1. Need Variance because of (2) front yards created by County installing roadways."



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Justification:

“The Special Exception Requested is a permissible use. The property is unique by virtue of its topographical configuration caused by Harford County Installing Road Grades and Sewer lines as well as the substantial drop off to the creek that is being revised by the County and State. Requested use will have no negative impact on adjacent property and will result in improvement of existing structure which was in poor condition.”

CODE REQUIREMENTS:

The Applicant is requesting a Special Exception pursuant to Section 267-53C(2) of the Harford County Code to permit a fraternal organization and a variance pursuant to Section 267-53C(2)(a) to allow a front yard depth less than 100-feet (85-feet proposed) in the R1/Urban Residential District.

Section 267-53C(2) of the Harford County Code reads:

- (2) *Civil Service clubs and fraternal organizations. These uses may be granted in the AG, RR, R1, R1, R2, R3, R4, and VR Districts provided that:*
- (a) *Any building shall be a least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.*
 - (b) *Total building coverage shall not be more than thirty percent of the parcel area.*
 - (c) *No parking area shall be located in any required front yard setback*
 - (d) *A buffer yard of at least ten feet shall be provided along any boundary with an adjacent residential lot, except that, if alcoholic beverages are served, then the buffer yard shall be at least fifty feet.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code entitled Limitation, Guides and Standards will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant’s property is located in the southern end of the County between the communities of Edgewood and Joppatowne. The property is a corner lot with frontage on the south side of

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Board of Appeals Case Number 5491

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Hanson Road and the west side of Magnolia Road (MD Route 152). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The land use designations in this area of the County include Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects stream buffer systems. The subject property is designated as Medium Intensity, which is defined by the 2004 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential uses include mobile home parks, single-family dwellings, townhouses, garden apartments and condominiums. Commercial use include individual retail centers and personal and professional services. Industrial uses include distribution, warehousing, and light manufacturing. The topography for the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report are a topography map and a copy of the aerial photograph (Attachments 6 and 7).

The subject property is an irregular shaped property with frontage on Magnolia Road (MD 152) and Hanson Road. Driveway access is from Hanson Road. The overall topography of the property is rolling with steep grades on the south side. The site slopes down from MD 152 and slopes up to the improvements from Hanson Road. Approximately half the site is wooded with the balance containing the existing improvements and scattered trees. Improvements consist of an older frame dwelling that is in the process of being renovated and converted to a club house for the motorcycle club. To the right and rear of the dwelling and on the Hanson Road side is a block 2-car garage. To the right of the house and in front of the garage is a gravel entrance and parking area. The Applicant is proposing to move the parking to the rear of the club house and left of the garage as per Section 267-53C(2)c of the code. The existing improvements and natural screening will provide a buffer to the proposed parking area. Enclosed with the report are copies of site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts.

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Commercial zoning includes B3/General Business and CI/Commercial Industrial Districts. There are also areas of LI/Light Industrial Districts. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement Investigation. The Department received a complaint on March 9, 2004 that the new owners of the subject property did extensive renovations to the dwelling, did not live there, but used the property as a motorcycle club. This Department visited the site on March 10, 2004. The driveway was chained off and the property was posted "Private Property – Property of the Chosen Sons Motorcycle Club – All others keep out". It appeared that new siding was being put on the exterior of the structure. Further, it appeared that the front porch was also being renovated.

Based on the findings of the inspection the Department sent a letter to the "Chosen Sons Motorcycle Club of Baltimore Maryland, Inc." The letter explained the violations for renovating the building without permits, and operating a club without Special Exception approval. On May 26, 2004, the Department officially cited the owners in violation of the Zoning Code. A pre-application meeting was setup by the Applicant's Attorney for July 12, 2004. On April 14, 2005 the Applicants filed their petition to the Board of Appeals. Enclosed with the report are copies from the Zoning Enforcement file for informational purposes only (Attachment 11).

SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-53C(2) of the Harford County Code to permit a fraternal organization and a variance pursuant to Section 267-53C(2)(a) to allow a front yard depth less than 100-feet (85-feet proposed) in the R1/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Section 267-53C(2):

- (2) *Civil Service clubs and fraternal organizations. These uses may be granted in the AG, RR, R1, R1, R2, R3, R4, and VR Districts provided that:*

The subject property is zoned R1/Urban Residential District.

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- (a) *Any building shall be at least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.*

The existing building existed prior to 1957 (see Attachment 12), and is in the process of being converted to a club meeting facility for the Chosen Sons Motorcycle Club of Baltimore, Inc. The building meets the 100-foot front yard setback from Magnolia Road (MD Route 152) however; it is only 85-feet back from Hanson Road and the Applicants have requested a variance from this setback and that request will be addressed later in the report.

- (b) *Total building coverage shall not be more than thirty percent of the parcel area.*

The subject property is 2.55 acres in size and approximately 50-percent of the site is densely wooded. In the remaining open area of the lot, improvements consist of a frame dwelling with an attached porch and a garage. There is a gravel driveway, parking area and entrance on the Hanson Road side of the Property. The parking area is to the right of the dwelling and in front of the garage. The Applicant's site plan (Attachment 3) and the aerial photograph (Attachment 7) both reveal, that the building coverage is well under the 30-percent maximum coverage allowed.

- (c) *No parking area shall be located in any required front yard setback*

The Applicant's site plan shows the parking area being re-located to the rear of the dwelling and to the south of the garage. The parking area will then meet the requirements of the Code. The Department recommends as a condition of approval that this area be landscaped and screened from Hanson Road.

- (d) *A buffer yard of at least ten feet shall be provided along any boundary with an adjacent residential lot, except that, if alcoholic beverages are served, then the buffer yard shall be at least fifty feet.*

As shown by the aerial photograph (Attachment 7) there is an area of woods on the west and south sides and even a portion of the east side that will meet the buffer requirements. A landscaped buffer needs to be established along the north side bordering Hanson Road. No additional buffer or screening should be needed along Magnolia Road (MD Route 152).

Section 267-9I

- (1) *The number of persons living or working in the immediate area.*

The subject property is located between the communities of Edgewood to the east and Joppatowne to the west. The property fronts the west side of Magnolia Road (MD Route 152), which is a State owned and maintained road and the south side of Hanson Road. This general

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area contains a mix of residential uses, commercial uses and industrial uses. With appropriate conditions, the request should not adversely impact persons living and working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property fronts on Magnolia Road (MD Route 152) which is a State owned and maintained highway and Hanson Road Extended which is a County owned and maintained road. The intersection of MD Route 152 and Hanson Road is a signalized intersection. Sight distance in all directions from this intersection is adequate. While the dwelling fronts and faces MD Route 152, the driveway access is from Hanson Road. The Applicant is proposing to move the existing parking to an area behind the dwelling and garage. Due to the existing improvements and topography the driveway access may need to be moved to an area to the rear of the garage. This would be reviewed during the site plan review process. The roads are capable of handling the small amount of traffic expected to be generated by this use.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The subject property has been purchased by the Chosen Son's Motorcycle Club, a non-profit club which is permitted in the R1/Urban Residential District as a Special Exception with Board of Appeals approval. By moving the parking area from the front of the property to the rear and with proper screening and buffers the proposed use should not adversely impact the community.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The property is in an area that has a mix of land uses ranging from residential to commercial and industrial. Magnolia Road also serves as an access to Edgewood Arsenal/Aberdeen Proving Ground. The traffic generated by the proposed use should not have a significant impact on the community regarding the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa Magnolia and Edgewood Volunteer Fire Departments will provide fire and emergency protection. The property is served by public water and sewer. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

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The proposed use is permitted in the R1/Urban Residential District with Board of Appeals approval. With appropriate conditions the use can be consistent with generally accepted engineering and planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The overall community contains schools, houses of worship and other public uses. These uses should not be impacted by the proposed club. According to the Applicants, the club only meets one evening a week and occasionally on weekends for special events and gatherings by the members.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should have no impacts on surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the subject request.

Variance from Section 267-53C(2)(a):

- (a) *Any building shall be at least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.*

The proposal before the Board is to convert what was a residential use to an institutional use for the Chosen Sons Motorcycle Club of Baltimore, Inc. As a fraternal organization, they are considered an institutional use under the Code and subject to several conditions as discussed previously in this report. The only condition they do not meet is the 100 foot-setback from Hanson Road. The dwelling is only 85 feet from the property line and the garage which is part of the overall use is approximately 40 feet from the right-of-way. Hanson Road has a 60 foot right-of-way. The 85 foot setback and the 60 foot width of the road provides adequate separation from adjacent residential properties on the north side of Hanson Road. The existing driveway and parking area will be moved to an area to the rear of the club house and will be screened by the existing trees and new vegetation to be planted between the parking area and Hanson Road.

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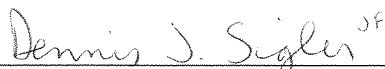
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The Department finds that the configuration of the parcel and the road make this property unique.

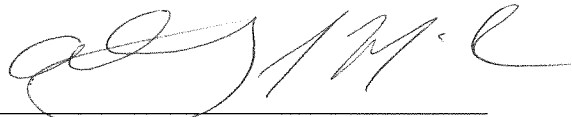
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the Special Exception and variance be approved subject to the following conditions:

1. The Applicant shall prepare a detailed site plan to be reviewed and approved thru the Development Advisory Committee. Site plan shall clearly show the relocated parking area and screening.
2. The Applicant shall obtain all necessary permits and inspections.
3. The approval is for the Applicant only and shall terminate upon the sale of the property.
4. The club hours shall be limited to 9am to 9pm on weekdays and 9am to 10pm weekends and holidays.
5. The garage shall only be used for incidental storage.
6. Any outside lighting shall be shielded so that it does not reflect onto adjacent properties. All outside lighting must be approved by the Department of Planning and Zoning.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



LORRAINE COSTELLO
ACTING DIRECTOR OF ADMINISTRATION

ANTHONY S. McCLUNE
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 5, 2005

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REPRESENTATIVE: Timothy R. Streett
21 South Main Street, Bel Air, Maryland 21014

LOCATION: 628 Magnolia Road, Joppa, Maryland 21085
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Election District: First (1)

ACREAGE: 2.55 acres

ZONING: R1/Urban Residential District

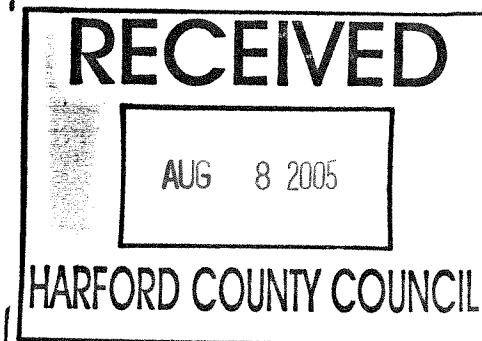
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Section 267-9I of the Harford County Code entitled Limitation, Guides and Standards will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

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Hanson Road and the west side of Magnolia Road (MD Route 152). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The land use designations in this area of the County include Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects stream buffer systems. The subject property is designated as Medium Intensity, which is defined by the 2004 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. Residential uses include mobile home parks, single-family dwellings, townhouses, garden apartments and condominiums. Commercial use include individual retail centers and personal and professional services. Industrial uses include distribution, warehousing, and light manufacturing. The topography for the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report are a topography map and a copy of the aerial photograph (Attachments 6 and 7).

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Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts.

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Board of Appeals Case Number 5491

Chosen Sons Motorcycle Club of Baltimore

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Commercial zoning includes B3/General Business and CI/Commercial Industrial Districts. There are also areas of LI/Light Industrial Districts. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement Investigation. The Department received a complaint on March 9, 2004 that the new owners of the subject property did extensive renovations to the dwelling, did not live there, but used the property as a motorcycle club. This Department visited the site on March 10, 2004. The driveway was chained off and the property was posted "Private Property – Property of the Chosen Sons Motorcycle Club – All others keep out". It appeared that new siding was being put on the exterior of the structure. Further, it appeared that the front porch was also being renovated.

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SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-53C(2) of the Harford County Code to permit a fraternal organization and a variance pursuant to Section 267-53C(2)(a) to allow a front yard depth less than 100-feet (85-feet proposed) in the R1/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Section 267-53C(2):

- (2) *Civil Service clubs and fraternal organizations. These uses may be granted in the AG, RR, R1, R1, R2, R3, R4, and VR Districts provided that:*

The subject property is zoned R1/Urban Residential District.

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- (a) *Any building shall be a least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.*

The existing building existed prior to 1957 (see Attachment 12), and is in the process of being converted to a club meeting facility for the Chosen Sons Motorcycle Club of Baltimore, Inc. The building meets the 100-foot front yard setback from Magnolia Road (MD Route 152) however; it is only 85-feet back from Hanson Road and the Applicants have requested a variance from this setback and that request will be addressed later in the report.

- (b) *Total building coverage shall not be more than thirty percent of the parcel area.*

The subject property is 2.55 acres in size and approximately 50-percent of the site is densely wooded. In the remaining open area of the lot, improvements consist of a frame dwelling with an attached porch and a garage. There is a gravel driveway, parking area and entrance on the Hanson Road side of the Property. The parking area is to the right of the dwelling and in front of the garage. The Applicant's site plan (Attachment 3) and the aerial photograph (Attachment 7) both reveal, that the building coverage is well under the 30-percent maximum coverage allowed.

- (c) *No parking area shall be located in any required front yard setback*

The Applicant's site plan shows the parking area being re-located to the rear of the dwelling and to the south of the garage. The parking area will then meet the requirements of the Code. The Department recommends as a condition of approval that this area be landscaped and screened from Hanson Road.

- (d) *A buffer yard of at least ten feet shall be provided along any boundary with an adjacent residential lot, except that, if alcoholic beverages are served, then the buffer yard shall be at least fifty feet.*

As shown by the aerial photograph (Attachment 7) there is an area of woods on the west and south sides and even a portion of the east side that will meet the buffer requirements. A landscaped buffer needs to be established along the north side bordering Hanson Road. No additional buffer or screening should be needed along Magnolia Road (MD Route 152).

Section 267-9I

- (1) *The number of persons living or working in the immediate area.*

The subject property is located between the communities of Edgewood to the east and Joppatowne to the west. The property fronts the west side of Magnolia Road (MD Route 152), which is a State owned and maintained road and the south side of Hanson Road. This general

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area contains a mix of residential uses, commercial uses and industrial uses. With appropriate conditions, the request should not adversely impact persons living and working in the area.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property fronts on Magnolia Road (MD Route 152) which is a State owned and maintained highway and Hanson Road Extended which is a County owned and maintained road. The intersection of MD Route 152 and Hanson Road is a signalized intersection. Sight distance in all directions from this intersection is adequate. While the dwelling fronts and faces MD Route 152, the driveway access is from Hanson Road. The Applicant is proposing to move the existing parking to an area behind the dwelling and garage. Due to the existing improvements and topography the driveway access may need to be moved to an area to the rear of the garage. This would be reviewed during the site plan review process. The roads are capable of handling the small amount of traffic expected to be generated by this use.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The subject property has been purchased by the Chosen Son's Motorcycle Club, a non-profit club which is permitted in the R1/Urban Residential District as a Special Exception with Board of Appeals approval. By moving the parking area from the front of the property to the rear and with proper screening and buffers the proposed use should not adversely impact the community.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The property is in an area that has a mix of land uses ranging from residential to commercial and industrial. Magnolia Road also serves as an access to Edgewood Arsenal/Aberdeen Proving Ground. The traffic generated by the proposed use should not have a significant impact on the community regarding the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa Magnolia and Edgewood Volunteer Fire Departments will provide fire and emergency protection. The property is served by public water and sewer. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

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The proposed use is permitted in the R1/Urban Residential District with Board of Appeals approval. With appropriate conditions the use can be consistent with generally accepted engineering and planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The overall community contains schools, houses of worship and other public uses. These uses should not be impacted by the proposed club. According to the Applicants, the club only meets one evening a week and occasionally on weekends for special events and gatherings by the members.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should have no impacts on surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the subject request.

Variance from Section 267-53C(2)(a):

- (a) *Any building shall be at least one hundred feet from any adjacent residential lot and at least fifty feet from any other lot line. The front yard depth shall be at least one hundred feet, except along roads with eighty-foot rights-of-way or more, where the front yard depth shall be at least fifty feet.*

The proposal before the Board is to convert what was a residential use to an institutional use for the Chosen Sons Motorcycle Club of Baltimore, Inc. As a fraternal organization, they are considered an institutional use under the Code and subject to several conditions as discussed previously in this report. The only condition they do not meet is the 100 foot-setback from Hanson Road. The dwelling is only 85 feet from the property line and the garage which is part of the overall use is approximately 40 feet from the right-of-way. Hanson Road has a 60 foot right-of-way. The 85 foot setback and the 60 foot width of the road provides adequate separation from adjacent residential properties on the north side of Hanson Road. The existing driveway and parking area will be moved to an area to the rear of the club house and will be screened by the existing trees and new vegetation to be planted between the parking area and Hanson Road.

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The Department finds that the configuration of the parcel and the road make this property unique.

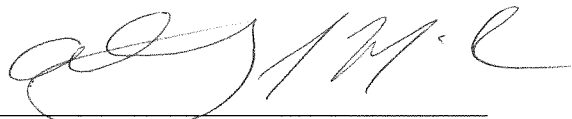
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the Special Exception and variance be approved subject to the following conditions:

1. The Applicant shall prepare a detailed site plan to be reviewed and approved thru the Development Advisory Committee. Site plan shall clearly show the relocated parking area and screening.
2. The Applicant shall obtain all necessary permits and inspections.
3. The approval is for the Applicant only and shall terminate upon the sale of the property.
4. The club hours shall be limited to 9am to 9pm on weekdays and 9am to 10pm weekends and holidays.
5. The garage shall only be used for incidental storage.
6. Any outside lighting shall be shielded so that it does not reflect onto adjacent properties. All outside lighting must be approved by the Department of Planning and Zoning.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf